

Louisiana WIC Vendor Guide

Revised May 7, 2018

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Background about the WIC Program

The Special Supplemental Nutrition Program for Women, Infants and Children (WIC or “the Program”) is administered by State agencies, which receive federal grants to provide supplemental foods, health care referrals, breastfeeding promotion and support, and nutrition education for low-income pregnant, breastfeeding and non-breastfeeding postpartum women, infants, and children up to age five, who are found to be at nutritional risk. WIC supplemental foods promote good health and nutrition during critical times of growth and development by providing target nutrients (e.g., iron, fiber, calcium, protein, and vitamins A, D and C). WIC Program benefits include health care referrals, support of breastfeeding as optimal for baby and mom, and nutrition education that has a practical relationship to the participant’s nutritional needs, household situation, and cultural preferences.

In order to qualify for the WIC Program, applicant household gross income cannot exceed 185 percent of the U.S. Poverty Income Guidelines (about \$3,100 a month for a family of three). Applicants that currently receive SNAP, Medicaid, or Temporary Assistance for Needy Families (TANF), also meet the income eligibility requirements for WIC.

Since 1974, research has shown that WIC participation has resulted in cost savings to the American public due to improved birth outcomes, and healthier babies and moms. Vendors play an important role in the WIC Program since participants obtain nutritious, competitively priced foods from WIC authorized retail stores.

Your Role as a WIC Vendor

Participation as a vendor in the WIC Program is a privilege. WIC authorization does not constitute a license or property interest.

WIC vendors are an essential part of providing WIC benefits to participants. Louisiana authorized WIC vendors (Vendors) are chosen carefully to ensure that our participants are provided with an adequate selection of WIC foods and that the WIC Program pays the lowest possible prices for foods that meet federal nutrition guidelines.

The WIC Program is federally regulated by the United States Department of Agriculture's Food and Nutrition Service (FNS) and is not an entitlement program. This means that the Louisiana WIC Program must operate within the parameters of an annual grant. As such, federal regulations require the Louisiana WIC Program to select only those vendors who offer foods at competitive prices so that the Program is able to serve as many eligible individuals as possible. Your role in providing WIC foods at competitive prices is important to the operations of the Louisiana WIC Program.

Any store interested in participating in the WIC Program must apply for WIC vendor authorization and may not accept WIC food instruments (FIs) or cash-value vouchers (CVVs) until all application requirements are met—including the submission of a complete WIC Vendor Application and any required supporting documentation, passing a pre-authorization on-site review, completion of a training program, signing a formal Vendor Agreement binding the vendor applicant to follow all WIC rules and policies, and receipt of an authorization letter from the Louisiana WIC Program. The WIC Vendor Application requires identification of the applicant vendor store type as a grocery, convenience or hyper-market. Definitions of these store types can be found in the Definitions section of this guide. Submission of false or incomplete information will result in denial of an application (or termination of the WIC Vendor Agreement if the false or incomplete information is discovered after authorization).

WIC authorization does not transfer to a new owner when a change of ownership occurs, nor does authorization extend to new store locations opened or acquired by an existing Vendor. Each store location operated by a business entity constitutes a separate Vendor and must be authorized separately from other stores operated by the business entity. Each store must have a single, fixed location.

This Louisiana WIC Vendor Guide is designed to inform owners, managers and vendor staff about the nutritional aspects of the WIC Program and about important procedures regarding participation as a Vendor. Use this guide to help train staff about WIC Program procedures.

Changes to Federal or State statutes, regulations, policies, or procedures governing the Program may occur periodically. The Louisiana WIC Program will provide advance notice before such changes are implemented. If a Vendor does not wish to continue to participate in the Program as a result of such changes, the Vendor may choose to terminate the Vendor Agreement. Upon Vendor termination of the WIC Vendor Agreement, a store must immediately stop accepting WIC FIs and CVVs. If a store wishes to regain WIC authorization, it must submit a new WIC Vendor Application and meet all application requirements in place at that time.

Definitions

Above-50-Percent (A50) Vendors

Vendors that derive more than 50 percent of their annual food sales revenue from WIC FIs, and new vendor applicants expected to meet this criterion under guidelines approved by FNS. A50 Vendors are subject to payment limitations that ensure that the prices of A50 Vendors do not result in higher total food costs if Program participants transact their food instruments at A50 Vendors rather than at non-A50 (“regular”) Vendors.

Authorized WIC Vendor (Vendor)

A retail grocery store that has submitted a complete WIC Vendor Application and any required supporting documentation, passed a pre-authorization on-site review, completed a training program, signed a formal Vendor Agreement binding the vendor to follow all WIC rules and policies upon authorization, and received a signed authorization letter from the Louisiana WIC Program. Only authorized WIC Vendors may transact WIC FIs/CVV.

Automated Clearing House (ACH)

An electronic payment mechanism used by the banking system to pay vendors. The Louisiana WIC Program’s bank credits vendors’ bank accounts with a reimbursement amount up to the maximum allowable reimbursement levels (MARLs) for all deposited WIC FIs and CVVs. ACH is used to adjust FIs and CVVs that have been deposited at an amount above the MARL. ACH may also be used for collecting any unpaid claims or fines.

Cash-Value Voucher (CVV)

A fixed-dollar amount check, voucher, electronic benefit transfer (EBT) card, or other document which is used by a participant to obtain authorized fruits and vegetables.

Change of Location

The move of a Vendor from one physical address to another address.

Change of Ownership

A change that results when all of the assets of the store are sold or transferred to a new owner or business entity. This includes adding new partner(s).

Competitive Price Criteria (CPC)

The CPC is the price level at or below which WIC-approved foods must be priced in order for a vendor applicant to be considered for authorization. The State Agency determines CPC for each WIC-approved food item based on shelf prices for Vendors within each peer group of regular Vendors. CPC varies by vendor peer group. All Vendors are subject to the CPC at all times in order to ensure that Vendors do not raise prices, subsequent to selection, to a level that would make such Vendors ineligible for authorization.

Compliance Buy

A covert, on-site investigation in which a representative of the Program poses as a participant, parent or caretaker of an infant or child participant, or proxy, transacts one or more FIs or CVVs, and does not reveal during the visit that he or she is a Program representative.

Confidentiality

In the context of the WIC Program, confidentiality means not using or disclosing any confidential applicant, participant or vendor information gathered as a result of participation in the WIC Program.

Confidential applicant and participant information is any information about an applicant or participant, whether it is obtained from the applicant or participant, another source, or generated as a result of WIC application, certification, or participation, that individually identifies an applicant or participant and/or family member(s). Applicant or participant information is confidential, regardless of the original source. Vendors are required to keep confidential the customer's eligibility for and receipt of WIC benefits.

Confidential vendor information is any information about a Vendor (whether it is obtained from the Vendor or another source) that individually identifies the Vendor, except for vendor's name, address, telephone number, Web site/e-mail address, store type, and authorization status.

Convenience (store type)

For the purpose of the WIC Vendor Application, a small store with extended opening hours, in a convenient location, stocking a limited range of household goods and groceries.

Corrective Action Plan (CAP)

Any plan developed by the State Agency, or by a Vendor and approved by the State Agency, to correct deficiencies identified by the State Agency in a Vendor's compliance with WIC rules, regulations, policies and/or procedures. Vendors must implement CAPs when required by the State Agency. CAPs may include, but are not limited to, requirements to provide store personnel or stock rotation training and/or to correct inappropriate WIC FI/CSV processing procedures used by the Vendor.

Food Instrument (FI)

A voucher, check, electronic benefits transfer (EBT) card, coupon or other document that is used by a participant to obtain WIC-approved foods.

Fraud and Abuse

Conduct that violates Program rules, regulations, policies, and/or procedures, including, but not limited to, those violations leading to disqualification, as identified in the Sanction Schedule.

Full-Line Grocery Store

A store that stocks, and has on hand at all times: (1) in addition to WIC Minimum Stock requirements, at least 1 additional variety of bread or tortillas with 6 or more units of said variety; (2) in addition to WIC Minimum Stock requirements, at least 1 additional variety of rice with 6 or more units of said variety; (3) at least 4 varieties of fresh fruits with 5 or more units of each variety; (4) at least 4 varieties of fresh vegetables with 5 or more units of each variety; and (5) at least 4 varieties of fresh meat, poultry or fish with 5 or more units of each variety.

Grocery (store type)

For the purpose of the WIC Vendor Application, a retail store that primarily sells food.

Hyper-Market (store type)

For the purpose of the WIC Vendor Application, a superstore combining a supermarket/grocery and a department store.

Incentive Items/Incentives

Any goods or services provided as inducements to shop in a store or recruit customers.

Maximum Allowable Reimbursement Level (MARL)

This is the highest reimbursement amount for each WIC FI for each peer group that the State Agency may pay. The State Agency determines a MARL for every WIC FI. Any FI that is submitted with a price higher than the MARL will be reduced through the ACH process.

Participant Access

The ability of a WIC participant to adequately access WIC-approved foods through the State Agency's selection and authorization of an appropriate number and distribution of vendors consistent with ensuring effective State Agency management, oversight, and review of its authorized vendors. The State Agency has established participant access criteria in accordance with WIC regulations at 7 CFR Part 246.

Participants

Pregnant women, breastfeeding women, postpartum women, infants, and children up to their 5th birthday who are currently enrolled in the WIC Program and are receiving supplemental foods under the Program, and the breastfed infants of participant breastfeeding women.

Participant Violation

Any intentional action of a participant, parent or caretaker of an infant or child participant, or proxy that violates Federal or State statutes, regulations, policies, or procedures governing the Program. Participant violations include, but are not limited to, intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits; exchanging CVVs, FIs, or WIC-approved foods for cash, credit, non-food items, or unauthorized food items, including WIC-approved foods in excess of those listed on the participant's FI; threatening to harm or physically harming vendor staff; and making a written, electronic, or verbal offer to sell WIC benefits, including WIC-approved foods, FIs, CVVs, and/or EBT cards, or allowing someone else to do so.

Peer Group

A group of Vendors that is based on common characteristics or criteria that affect food prices. Vendors are grouped for management and cost containment purposes including, but not limited to, establishing and applying appropriate CPC and MARLs to Vendors.

Proxy

Any person designated by a woman participant, or by a parent or caretaker of an infant or child participant, to obtain and transact FIs and CVVs and/or to obtain WIC-approved foods on behalf of a participant. The proxy must be designated consistent with the State Agency procedures as found in the "WIC FIs/CVVs and WIC Folders" section of this Vendor Guide. Parents or caretakers applying on behalf of child and infant participants are not proxies.

Regular Vendor (Non-A50)

A regular Vendor is defined as a Vendor that does not meet the A50 criterion described above in this “Definitions” section of this Vendor Guide.

State Agency

The State of Louisiana, Department of Health, Office of Public Health, Center for Community and Preventive Health, which is responsible for administering the WIC Program in Louisiana.

Vendor Portal

A web-based application maintained by the State Agency that serves as the primary point of contact for all Louisiana Vendors and contains the WIC vendor price reporting system.

WIC-Approved Foods/Authorized Supplemental Foods

Supplemental foods authorized by the State Agency for issuance to participants.

WIC Folder

A document (form number WIC-22) provided to all WIC participants, which contains participants’ WIC FIs and CVVs; the WIC Folder serves as proof of identification for WIC participants and proxies. Vendors must check the WIC Folder to verify participant and proxy signatures during a WIC transaction.

WIC-Approved Foods

WIC-approved foods have been carefully chosen to provide good sources of vitamins, minerals, and protein most often lacking in the diets of women, infants and children at nutritional risk. The following chart shows these nutrients and the WIC-approved foods that provide them.

Nutrient	WIC-Approved Foods that Supply the Nutrient
Calcium	cheese, milk, infant formula, soy beverage
Protein	infant formula, milk, eggs, cheese, peanut butter, legumes (beans), canned fish
Iron	WIC-approved brands of cereal, legumes (beans), eggs, iron-fortified infant formula
Fiber	fruits, vegetables, whole grains, whole grain cereal
Vitamin A	milk, eggs, infant formula, fruits and vegetables, canned fish
Vitamin C	WIC-approved juices (citrus fruit juice, fruit juices fortified with Vitamin C), infant formula, fruits and vegetables
Vitamin D	canned fish, eggs, milk

The types and quantities of WIC-approved food prescribed to WIC participants vary according to individual need. Exact amounts and types of WIC-approved foods prescribed to WIC participants are determined by a competent professional authority at a WIC clinic. These WIC-approved foods are listed on WIC FIs and CVVs that the WIC participant redeems at a Vendor.

A complete list of WIC-approved foods can be found in the current Louisiana WIC Program Food List, which is available online in both English and Spanish at:

<http://ldh.louisiana.gov/index.cfm/page/942>.

Least Expensive Brand

It should be noted when reviewing the Louisiana WIC Program Food List that several food categories require the use of the Least Expensive Brand (LEB). Refer to

<http://ldh.louisiana.gov/index.cfm/page/990>.

Shelf Talkers

Vendors may use shelf talkers to help WIC participants identify WIC-approved foods. A vendor must seek approval from the WIC State Agency before using shelf talkers or before making any changes to currently approved shelf talkers. If a vendor uses approved shelf talkers, the shelf talkers must be placed at the exact spot on the shelves that contain the WIC approved food item, next to the price of the item. Shelf Talkers are not allowed to appear on the item packaging. The vendor is responsible for maintaining appropriate placement of any shelf talkers during the authorization period and must insure that any food items tagged are listed on the current Louisiana Dept. of Health - Bureau of Nutrition Services - WIC Approved Foods List. If shelf talkers are used for food items that require purchase of the least expensive brand (LEB), the shelf talker must be placed by the lowest cost LEB item that the store has on the shelf and should not be placed by any other items in that category. For food items that offer choice without LEB rules, the Shelf Talkers can be placed by all or none of the eligible items.

Minimum Stock Requirements (MSR) for All Vendors

Vendors must agree to maintain the following WIC-approved foods in the customer area of the store at all times.

Infant formula minimum inventory requirements are dependent on the vendor's peer group except for Above-50% vendors, which must meet minimum stock requirements that correspond to the Above-50% vendor's number of cash registers.

Infant Formula Minimum Stock Requirements by Peer Group

	Minimum Number of 12.4 oz Cans by Peer Group					
Peer Group	1	2	3	4	5	6
Number of Cash Registers	1 to 3	4 to 7	8 to 11	12 to 15	16+	A50
Similac Advance Powder (6 cans per case)	12	12	24	24	24	Based on the infant formula minimum stock requirements shown for the vendor's number of cash registers
Similac Soy Isomil Powder (6 cans per case)	12	12	12	12	24	Based on the infant formula minimum stock requirements shown for the vendor's number of cash registers
Similac Total Comfort Powder (6 cans per case)	12	12	24	24	24	Based on the infant formula minimum stock requirements shown for the vendor's number of cash registers
Similac For Spit-Up Powder (6 cans per case)	12	12	12	12	24	Based on the infant formula minimum stock requirements shown for the vendor's number of cash registers
Similac Sensitive Powder (6 cans per case)	12	12	24	24	24	Based on the infant formula minimum stock requirements shown for the vendor's number of cash registers
<i>Note: A vendor with infant formula theft concerns may keep infant formula in a secure area to meet the minimum stock requirement. A notice of the location, varieties, and prices of infant formula must be posted in the area where shoppers would expect to find infant formula.</i>						

Non-Infant Formula Minimum Stock Requirements

PRODUCT	SIZE	MINIMUM STOCK REQUIREMENT
Infant Cereal – plain dry ²	8 oz. container	15 containers
Infant fruits ^{2, 3}	4 oz. container	96 containers, 3 varieties
Infant vegetables ²	4 oz. container	96 containers, 3 varieties
Infant meats ^{2, 3}	2 ½ oz. container	31 containers, 2 varieties
Peanut butter ²	16 – 18 oz. container	15 containers
Dried beans/peas ^{2, 3}	16 oz. (1 lb.) container	6 containers, 2 varieties
Eggs ²	Dozen	10 dozen
Whole milk ²	Gallon (128 oz.)	2 gallons
Whole milk ²	Quart (32 oz.)	4 quarts
Low fat (1%) milk ²	Gallon (128 oz.)	4 gallons
Skim milk ²	Gallon (128 oz.)	4 gallons
Skim milk ²	Quart (32 oz.)	4 quarts
Cheese ²	8 ounce package	5 packages
Cheese ²	16 oz. package	5 packages
Canned salmon ²	5 – 6 oz. can	5 cans
Tuna fish ²	5 – 6 oz. can	10 cans
Whole grains ² (brown rice, whole wheat bread or corn or whole wheat Tortillas)	16 oz.	10 packages, 2 varieties, 2 packages per variety
Breakfast cereals ^{2, 3, 4}	Various allowed (12, 18 oz.)	15 boxes, 5 varieties
Single strength juice ^{2, 3}	48 oz.	6 containers, 2 flavors
Single strength juice ^{2, 3}	64 oz.	6 containers, 2 flavors
Frozen concentrate juice ^{2, 3}	11.5 – 12 oz.	6 containers, 2 flavors
Fresh fruits & vegetables ^{2, 3}	At least \$20 worth	2 varieties of fruits and 2 varieties of vegetables

Notes:

1. For a list of Louisiana WIC-approved foods, see: <http://ldh.louisiana.gov/index.cfm/page/942>
2. When a specific number of varieties or flavors are identified in the Minimum Stock Requirement column, the required quantity need not be carried in each of all varieties, but the total required quantity must consist of at least the number of varieties or flavors indicated in the Minimum Stock Requirement column.
3. At least one variety must be whole grain.
4. Any WIC-approved food that has exceeded its “sell by,” “best if used by,” or other date limiting the sale or use of the food item will not be considered for minimum stock purposes.
5. Any WIC-approved food stocked by a vendor with pricing that exceeds CPC established by the State Agency will not be considered for the purposes of meeting minimum stock requirements.
6. All vendors authorized to accept FIs must meet infant formula and non-infant formula Minimum Stock Requirements listed above in the Vendor Guide.

Additional Minimum Stock Requirements for Vendors Electing to Provide Homeless Food Package

A store seeking Louisiana WIC Authorization may elect to provide service to homeless WIC participants in addition to traditional participants by selecting that option in Part 4 of the Vendor Application. When a store elects to provide service to homeless WIC participants, additional stock requirements apply in order to ensure that homeless participants are able to obtain authorized food items for homeless participants with limited refrigeration and cooking facilities. Stores serving the homeless must maintain the stock below in addition to the MSR for all Vendors (see previous section). These items must be maintained in the customer area of the store at all times.

PRODUCT	SIZE	MINIMUM STOCK REQUIREMENT
Similac Advance RTU formula (6 containers per case)	32 oz. container	12 containers
Infant Cereal – plain dry¹	3 oz. box	5 boxes
Peanut butter¹	18 oz. container	1 additional container
Canned beans/peas² Beans: Baked, Pork and beans, Beans with bacon, Great Northern, Kidney, Lima, Soy, Pinto & White Peas: Chick and Black-Eyed NOT ALLOWED: with beef, franks, brown sugar, and bacon, or spiced	7 – 8 oz. cans OR 15 – 16 oz. cans	5 cans
Powdered milk Unflavored only, any brand	25.6 oz. box	2 boxes
Evaporated milk No sweetened or condensed	5 oz. or 12 oz. can	5 cans
Canned fish (tuna or salmon)¹	5 – 6 oz. can	2 additional cans
Breakfast cereals, cold (see Minimum Stock Requirements chart above for list of cold breakfast cereals)	12 oz. box/bag	5 boxes/bags
Single-strength juice^{1,2} Brands and Flavors as follows:		
Ocean Spray Grapefruit Juice	12 oz. bottle (4-pack)	(2) two 4-packs
Dole Pineapple	5.5 – 6 oz. can (6-pack)	(1) one 6-pack
Nestle Juicy Juice	4.23 oz. box (8 pack)	(1) one 8-pack
Fresh fruits & vegetables^{1,2}	Additional \$10 worth	2 varieties ready to eat (not in need of cooking)
Notes on Homeless Food Package Minimum Stock Requirements: <ol style="list-style-type: none"> For a list of Louisiana WIC-approved foods see: http://ldh.louisiana.gov/index.cfm/page/942 When a specific number of varieties or flavors are identified in the Minimum Stock Requirement column, the required quantity need not be carried in each of all varieties, but the total required quantity must consist of at least the number of varieties or flavors indicated in the Minimum Stock Requirement column. Any WIC-approved food that has exceeded its “sell by,” “best if used by,” or other date limiting the sale or use of the food item will not be considered for minimum stock purposes. Any WIC-approved food stocked by a vendor with pricing that exceeds CPC established by the State Agency will not be considered for the purposes of meeting minimum stock requirements. 		

Vendor Selection Criteria

The Louisiana WIC Program authorizes only those vendors that meet our selection criteria. Selecting vendors that meet these criteria ensures that WIC participants get the best possible shopping experience and that the Program pays reasonable prices for WIC-approved foods.

In order to be authorized as a Louisiana WIC vendor, all of the following selection criteria must be met:

1. Vendor must submit a complete and notarized application, including any required supporting documentation, to the WIC State Agency within applicable timeframes set by the WIC State Agency.
2. Vendor must be currently authorized and participating in the USDA Supplemental Nutrition Assistance Program (SNAP) and cannot have received a SNAP Civil Money Penalty (CMP) for which the disqualification period, if it had been imposed, would not yet have expired.
3. Vendor must have a Grocery Class Permit to Operate issued for the current State fiscal year.
4. Vendor must maintain the establishment in a clean, orderly and safe condition with no current sanctions for violations of health code ordinances.
5. Vendor must be open a minimum of six days and at least 48 hours per week.
6. Vendor must have prices that are competitive with other Vendors in the Vendor's State Agency designated peer group, as determined by the State Agency's competitive price criteria (CPC). Applying Vendors, whose prices are higher than the CPC applicable to their peer groups, will be informed and given one opportunity to lower their prices to meet the CPC.
7. Vendor must display prices for WIC-approved foods on the foods or on the shelves/display area in immediate proximity to the foods.
8. Vendor must stock and maintain sufficient quantities and varieties of all WIC-approved foods in accordance with Louisiana WIC's Minimum Stock Requirements, which can be found in the Minimum Stock Requirements section of the Vendor Guide.
9. Vendor must purchase infant formula only from vendors included on Louisiana WIC's list of infant formula manufacturers registered with the Food and Drug Administration (FDA) that provide infant formula, and licensed infant formula wholesalers, distributors, and retailers. This list can be found at <http://ldh.louisiana.gov/index.cfm/page/990>.
10. Vendor must not have been denied WIC authorization or had a prior WIC authorization terminated by the State Agency within the past year for any reason other than the expiration of the Vendor Agreement, store closing, or store relocation.
11. Vendor owners and management personnel must not have been formerly employed by any vendor that was disqualified from any USDA food program within the prior six years.
12. Vendor owners and management personnel must not have been convicted of any felony within the prior six years.
13. Vendor owners and management personnel must not have been convicted of any Federal, State, or local tax violations within the prior six years.
14. Vendor owners and management personnel must not have had a civil judgment entered against them within the prior six years for any activity indicating a lack of business integrity (including but not limited to fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, and obstruction of justice).
15. Vendor must be in good standing with no unpaid or overdue balances owed to the Louisiana WIC Program.

16. Vendor must provide truthful and accurate information to the WIC Program and must not have had any WIC Vendor Agreement terminated due to false or inaccurate information provided to the WIC Program within the past six years.
17. Vendor must have access to a computer, with internet access, have an e-mail account that can be used to send messages to and receive messages from the Louisiana WIC Program, and be able to download and upload electronic documents sent/received via email or posted/requested on the Vendor Portal or any other online application used by the WIC Program.
18. Vendor must utilize a cash register system that performs split tender transactions and produces itemized receipts showing date of purchase, items purchased, price of items purchased, and the total sale amount, at a minimum.
19. Vendor must redeem or expect to redeem at least fifty (50) WIC FIs per month.
20. Vendors deriving or expecting to derive more than 50% of their annual food sales revenue from WIC FI transactions must agree to be placed in a vendor peer group with other Above-50-Percent Vendors wherein said peer group is required to maintain WIC-approved food prices at a level such that the average payments per FI for Above-50-Percent Vendors does not exceed average payments per FI to regular Vendors.
21. Vendors deriving or expecting to derive more than 50% of their annual food sales revenue from WIC FI transactions must agree to neither provide nor advertise nor indicate an intent to provide customers with any incentive items, including the following prohibited incentive items:
 - a. Services which result in a conflict of interest or the appearance of such conflict for the Above-50-Percent Vendor, such as assistance with applying for WIC benefits.
 - b. Lottery tickets at no charge or below face value.
 - c. Cash gifts in any amount for any reason.
 - d. Anything made available in a public area as a complimentary gift which may be consumed or taken without charge.
 - e. Food, merchandise or services of any value provided to the customer.
 - f. Food, merchandise sold to customers below cost, or services purchased by customers below fair market value.
 - g. Any kind of incentive item which incurs a liability for the WIC Program.
 - h. Any kind of incentive item which violates any Federal, State, or local law or regulations.
22. Vendor must not derive or expect to derive more than 50% of annual food sales revenue from WIC FI transactions.
23. Vendor must be a full-line grocery store, as defined by the State Agency. The Louisiana WIC definition of a full-line grocery store can be found in the "Definitions" section of the Vendor Guide.

After authorization, all Vendors must continue to meet these criteria and any changes thereto, at all times. A Vendor found to be out of compliance with the WIC regulations, WIC Vendor Agreement, or WIC Vendor Selection Criteria, at any time during the authorization period, will be subject to termination of the WIC authorization and Vendor Agreement and possible disqualification. For more information on termination for noncompliance with WIC Vendor Selection Criteria, please see the Sanction Schedule, which can be found in the Sanction Schedule section of this Vendor Guide.

Disqualification from WIC may result in disqualification from the Supplemental Nutrition Assistance Program (SNAP); such SNAP disqualification is not subject to administrative or judicial review under SNAP.

Your Responsibilities as a WIC Vendor

In order to maintain WIC authorization, your store must, at all times during authorization and the period of the agreement, continue to be in compliance with all WIC Vendor Selection Criteria identified in the previous section of this guide. In addition to those requirements, the Vendor must:

1. Submit accurate prices quarterly to the State Agency through the Vendor Portal.
2. Understand that the State Agency, as part of the redemption process, will make price adjustments to the purchase price of FIs and CVVs submitted by the Vendor for redemption to ensure compliance with all price limitations and MARLs applicable to the Vendor.
3. Accept, transact, and redeem FIs and CVVs properly using the processes described in this WIC Vendor Guide.
4. Allow the purchase of all WIC-approved foods in the full amount specified on any FI or CVV presented by a WIC participant.
5. Allow a WIC participant to use another form of payment (e.g., cash, SNAP benefits, credit or debit card, etc.) to pay the difference if the purchase price exceeds the dollar value on the CVV. Vendors must allow WIC participants to choose from the tender types accepted from all other customers.
6. Provide WIC-approved foods that are fresh and have not exceeded their “sell by,” “best if used by,” or other date limiting the sale or use of the food item.
7. Display the prices of WIC-approved foods on the foods or on the shelves/display area in immediate proximity to the foods.
8. Maintain the establishment in a clean, orderly, and safe condition, with no current sanctions for violations of local health code ordinances, and comply with applicable Federal, State and local health protection laws and ordinances.
9. Keep on file in the store a copy of the Vendor Guide, the Vendor Agreement, and any memos, updates, and amendments received from the State Agency.
10. Display a sign, sticker or other notice of authorization as a WIC Vendor, furnished by the State Agency, on or near the main entrance in an area visible to WIC participants.
11. Have the current WIC Program Food List readily accessible to all cashiers.
12. Provide, by due dates established by the State Agency, all information requested by the State Agency or its designee during the agreement period.
13. Maintain, during and after any WIC authorization, for a period of four (4) full Federal Fiscal years after the date the record was created and provide to the State Agency upon request, paper or electronic records used for State or Federal tax reporting purposes and other WIC Program records including: inventory records showing all WIC purchases, wholesale and retail, in the form of invoices that identify the quantity and prices of specific WIC-approved foods; books of accounts; shelf price records; records of total food sales revenue, based on the definition of SNAP eligible food items (available at <http://www.fns.usda.gov/snap/eligible-food-items>), which must be verifiable or documented; and other pertinent documents.
14. Make available upon the request of the State Agency (or its designee), the USDA, or the Comptroller General of the United States, all FIs and CVVs in the Vendor’s possession and all required inventory and accounting records for inspection or audit.
15. Allow authorized personnel to monitor the Vendor through announced and unannounced visits for compliance with WIC, the Vendor Agreement, and/or Federal or State rules, regulations or policy governing the WIC Program and provide access to FIs and CVVs available in the store at the time of the visit.
16. Allow authorized State Agency personnel to conduct announced and unannounced audits of Vendor’s inventory and records.

17. Ensure that the WIC vendor stamp ("vendor stamp") is used only for the purpose and in the manner authorized by State and Federal WIC Program rules as stated in regulations, applicable laws and policies, this Vendor Guide and the terms of the Vendor Agreement.
18. Ensure, if the vendor's bank applies the vendor's stamp number electronically to the vendor's WIC FIs and CVVs during processing, that the vendor stamp is applied correctly and each FI and CVV is correctly associated with the Vendor.
19. Keep the vendor stamp in a secure place and report loss of vendor stamp to the State Agency within 2 days of loss, and ensure that the vendor stamp is not duplicated, and that a duplicated vendor stamp is not used by the Vendor.
20. Notify the State Agency in writing at least fifteen (15) days prior to or immediately upon knowledge of (whichever occurs first): the loss or relinquishment of SNAP authorization; cessation of Vendor operations; a change in Vendor ownership, management, corporate officers or majority stakeholders; a change of location; store name (including d/b/a); or, a change in mailing address, email address, or telephone number. Note: The Vendor Agreement shall become null and void on the date of the loss or relinquishment of SNAP authorization, cessation of Vendor operations, a change in Vendor ownership, or a change in store location of two or more miles walking distance from the previous store location. Once the Vendor Agreement becomes null and void, WIC business shall immediately cease and FIs and CVVs shall be deposited promptly.
21. Use the Vendor/Participant Complaint Forms, which are available online at <http://ldh.louisiana.gov/index.cfm/page/990> (click on "File a WIC Complaint"), to immediately notify the State Agency of any instance in which a participant or proxy fails to comply with WIC requirements.
22. Ensure that at least one representative participates in annual training on WIC Program requirements and any other training sessions, as identified in the "WIC Vendor Training Requirements" section of this guide.
23. Ensure that employees who accept and deposit FIs and CVVs, and all other relevant staff who may handle or account for WIC FIs and CVVs, are trained in WIC Program requirements, including FI and CVV processing procedures.
24. Be fully responsible for violations of the Vendor Agreement committed by its owners, officers, managers, employees, agents, representatives or other individuals who directly or indirectly participate in the Vendor's operations.
25. Implement in full a Corrective Action Plan, if imposed by the State Agency.
26. Maintain the confidentiality of any participant information gathered as a result of WIC vendor authorization.
27. Supply only the least expensive brand (LEB) for WIC purchases on food items designated as a LEB category.
28. Otherwise comply in full with all the provisions of this guide.

WIC Vendor Training Requirements

Newly authorized Vendors will receive training from either State or WIC clinic staff prior to accepting FIs and CVVs. Vendors must attend interactive (face to face) training and agree to train the managers and all employees involved in WIC transactions or processing in the proper procedures for accepting and processing WIC FIs and CVVs. This training is done before or at initial authorization, in interactive format, and at least once every three years thereafter. The WIC Program will designate the date, time and location of the training. The WIC Program will provide the Vendor with at least one alternative date on which to attend training.

Annual training is conducted through a variety of means. Formats of annual training may include online webinars, newsletters, videos, and interactive training. At least one representative of the Vendor must participate in training annually.

Vendors already authorized to accept WIC FIs and CVVs may be required to receive additional training if compliance issues arise.

At a minimum, annual training will include:

1. Review of the WIC Program Food List and WIC FI transaction procedures.
2. Explanation of competitive price criteria, the Vendor Portal, and minimum stock requirements.
3. Review of the State Agency's contracted banking system's rejected FI/CVV policies.
4. Explanation of reimbursement policies and procedures.
5. Explanation of record keeping policies.
6. Review of non-discrimination rules.
7. Explanation of Administrative Review (hearing) process for Vendors.
8. Explanation of reauthorization process.
9. Explanation of routine monitoring visits.
10. Explanation that a change of ownership or change in store location (of more than two miles) will result in termination of the current Vendor Agreement.
11. Explanation of coordination between SNAP (formerly the Food Stamp Program or FSP) and the WIC Program, including that:
 - a. Disqualification from SNAP will result in the WIC State Agency's disqualification of the Vendor from the WIC Program. As per section 246.12 (l)(1)(vii) of the WIC regulations, the WIC disqualification must be for the same length of time as SNAP disqualification, may begin at a later date than SNAP disqualification, and is not subject to administrative or judicial review under the WIC Program, and
 - b. Disqualification from WIC may result in disqualification as a retailer in SNAP. Such disqualification is not subject to administrative or judicial review under SNAP.
12. Explanation of sanction system.
13. Explanation that, if on-site at a Vendor location, WIC staff may examine any WIC FIs/CVVs on hand on the day of the training or review.
14. Explanation of the purpose of the WIC Program.
15. Review of vendor complaint process.
16. Explanation of the State Agency's policies and procedures regarding the use of incentive items.
17. Explanation of the requirement that Vendors obtain infant formula only from sources included on the list provided by the State Agency.

18. Explanation of any changes to the WIC Program since the last training.

All existing store personnel and future hires responsible for handling WIC transactions MUST:

1. Read the "Food Instrument/Cash Value Voucher Transaction Procedures" (WIC-33).
2. Sign the WIC-33L (Transaction Procedure Signature Log) form to indicate that the information has been read and understood within seven (7) calendar days of store authorization or employee new hire.

A Vendor must keep copies of the signed WIC-33L forms available for inspection by WIC staff during routine store visits.

Failure to participate in vendor training may result in termination of the Vendor Agreement or disqualification, in accordance with the Sanction Schedule.

Use of WIC Acronym and Logo

Vendors may only use the acronym “WIC” or the WIC logo to identify themselves as an authorized WIC vendor, to identify WIC-approved foods in the store, and on tender type signs that alert customers of the types of payment accepted by the store. The WIC logo and acronym are not permitted to be attached or affixed to any products, including those placed in the store by a distributor.

The purpose of these restrictions is to avoid giving the erroneous impression to WIC customers that the business is affiliated with or sponsored by the State Agency, USDA, or the WIC Program. The acronym “WIC” and logo are registered service marks of the USDA for USDA’s WIC Program, Registration Nos. 1,630,468 and 1,641,644, respectively, hereinafter referred to collectively as the “service marks.”

Vendors may not use the service marks in ways likely to cause confusion with regard to their involvement with the WIC Program. It is USDA policy to avoid endorsements, directly or indirectly, of any commercial product, service, or enterprise. Vendors are not permitted to use the service marks, including close facsimiles thereof, in total or in part, either in the official name in which the Vendor is registered or in the name under which it does business.

An example of prohibited use of the service marks include using the letters “W,” “I” and “C”, in that order, next to one another in the vendor’s name, or these letters in that order but not next to one another, with the letters made to stand out in some fashion, such as with a different color or size than other letters. There may be other examples of inappropriate use of the service marks. Inappropriate use of service marks shall be as determined by the State Agency.

WIC vendors may describe themselves as such only with the use of the WIC placard or decal distributed by the Louisiana WIC Program. The WIC decal must be placed in the front window of the store and is the only sign that is allowed to be used to identify the store as WIC authorized. Vendor noncompliance is cause for termination of the Vendor Agreement and/or possible sanctions.

WIC FIs/ CVVs and WIC Folders

WIC FIs/ CVVs are also often referred to as WIC checks or vouchers. WIC Folders are provided at the WIC clinic to participants, parents and caretakers of infant and child participants, and proxies. The WIC Folder holds WIC FIs/ CVVs, Program rules and policies, and includes a signature that WIC Vendors must compare to the countersignature on the FI/ CVV entered during a WIC transaction. The Louisiana WIC Program uses WIC vendors and its banking system to provide WIC-approved foods to WIC participants. WIC participants transact FIs/ CVVs at WIC vendors. WIC FIs identify the specific WIC-approved foods and the quantities authorized. The WIC Vendor must transact the WIC FI for only those WIC-approved foods identified on the WIC FI and in the quantity specified. WIC CVVs identify the maximum dollar amount of fresh fruits or vegetables authorized for purchase. The Vendor must transact the WIC CVV for the actual dollar value of fresh fruits and/or vegetables purchased up to, but not more than, the dollar amount authorized on the CVV. The amount entered on the CVV must not exceed the dollar amount authorized and printed on the face of the CVV.

WIC vendors receive payment for WIC-approved food items purchased with WIC FIs and CVVs by depositing FIs and CVVs in the store's bank account (see WIC Food Instrument/ CVV Reimbursement). Acceptance of the WIC FIs/ CVVs by the store represents a financial transaction between the Louisiana WIC Program (payer) and the Vendor (payee), not between the WIC participant and the Vendor.

At the WIC Clinic:

1. WIC FIs/ CVVs are computer generated at WIC clinics.
2. The participant, parent, caregiver, or proxy signs the WIC FI/ CVV at the WIC office on the "Issued to" line in the presence of WIC clinic staff.
3. The WIC clinic provides the WIC participant or proxy with a WIC Folder, which must be presented when transacting WIC FIs/ CVVs at the Vendor.

At the store:

1. The cashier enters the transaction amount on the WIC FI/ CVV.
2. The participant or proxy must countersign the WIC FI/ CVV on the "Food Received By" line *after* the transaction amount is entered by the cashier.
3. The cashier compares the signature on the FI/ CVV to the signature(s) on the WIC Folder.

The signature is intended to verify the transaction amount written on the WIC FI/ CVV by the cashier and it signifies that all listed WIC-approved foods were received by the WIC customer. If the participant or proxy does not have a WIC Folder, if the signature on the FI/ CVV does not match the signature(s) on the WIC Folder, or if the Vendor is presented with a FI/ CVV that has already been signed in the "Food Received By" line, the Vendor must not accept the FI/ CVV; the cashier should write "VOID" on the FI/ CVV and refer the WIC participant or proxy to his or her WIC clinic for assistance.

An example of how WIC FIs/ CVVs should appear when they are transacted can be found in the "Sample WIC Food Instrument (FI)" section and the "Sample WIC Cash Value Voucher (CVV)" section of this document.

WIC FI Transaction Procedures

During the WIC transaction, the Vendor must offer the participant or proxy the same courtesies available to other customers. Courtesies may include, but are not limited to, bagging of grocery items; the use of manufacturer's coupons; and, participation in store promotions, including buy one get one free offers. The following procedures are required in order to successfully transact a WIC FI.

1. The Vendor cashier must check the valid period preprinted on the FI.
2. The Vendor cashier must accept FIs only during the month and year shown on the FI. FIs accepted outside of the month and year shown on the FI will not be paid or reimbursed.
3. The Vendor cashier must separate the WIC-approved food items from the non-WIC food items. If the participant is transacting more than one FI at a time, each FI transaction must be handled separately.
4. The Vendor cashier must allow only the WIC-approved food items in the specified quantities and container sizes listed on the FI. Additionally:
 - i. WIC participants must receive all of the WIC-approved foods listed on the FI at the time of the transaction.
 - ii. The Vendor cashier must allow the sale to a WIC participant of any WIC-approved food which the vendor chooses to maintain in inventory regardless of whether the WIC-approved food is a required minimum stock item or not.
 - iii. No IOUs, rain checks, partial, or delayed purchases are ever allowed.
 - iv. Breakfast cereal selection must be as close as possible to the quantity stated on the FI, without exceeding the stated amount of ounces.
 - v. The vendor cashier must dispense infant formula exactly as prescribed on the FI. Be careful to dispense only the formula stipulated on the FI (powder vs. concentrate vs. Ready-To-Use (RTU)). Sale of the wrong formula will not be reimbursed.
 - vi. The vendor cashier must allow only the purchase of the least expensive brand (LEB) for food items designated in the LEB category. If the LEB food item is temporarily out of stock, the vendor must allow the purchase of the next lowest cost LEB item that is available. The item being provided to the WIC participant must be from the LEB list.
5. The Vendor cashier must ring up each WIC-approved food item individually. The Vendor must charge no more than current shelf prices or sale prices, whichever is lower.
6. The Vendor cashier must deduct applicable coupons, in accordance with the requirements of the Handling of In-Store Promotions for WIC Participants section of this guide.
7. The Vendor cashier must only accept an FI if the transaction is for the purchase of all WIC-approved food items listed on the FI.
8. The Vendor cashier must not add sales tax to the purchase price of the transaction. WIC purchases are not taxable.
9. The Vendor cashier must write, in ink, the actual dollar amount of the sale on the FI as instructed in the "Sample WIC Food Instrument (FI)" section of this vendor guide. Additionally:
 - i. No additional items can be included in the actual dollar amount of the sale written on the FI.
 - ii. If the dollar amount written is in error, draw a line through it and write the correct dollar amount of the sale above the incorrect one.
 - iii. If the FI is altered upward and subsequently rejected by the State Agency's contracted banking system, it must go through the reimbursement process in order to be paid (see the "WIC FI/CVV Reimbursement" section).

- iv. The Vendor shall be held accountable for actions of employees in the transaction and processing of WIC FIs and provision of WIC-approved foods.
 - v. WIC participants may not be denied food items listed on their WIC FIs due to the error of any Vendor staff member.
10. The WIC participant, parent or caretaker of an infant or child participant, or proxy, must present the WIC Folder and then sign the FI on the "Food Received By" line; this is the "countersignature."
 11. The Vendor cashier must verify that the countersignature matches one of the signatures on the WIC Folder. If the signatures do not match, write "VOID" on the FI and instruct the participant to return to the clinic of FI issuance.
 12. The vendor cashier must provide the participant with a cash register receipt showing date of purchase, items purchased, price of items purchased and the total sale amount.
 13. The Vendor must stamp the vendor number, using black ink, in the space provided on the front of all FIs before depositing them. If the stamp has become unreadable, the Vendor should:
 - i. Request a new vendor stamp from the State Agency.
 - ii. Legibly write, in indelible ink, the vendor number in the appropriate space on the FI.
 14. The Vendor must endorse each FI before depositing into the bank.
 - i. Endorsements should include store name and store number (if applicable).
 - ii. The FI is only negotiable at the vendor's bank.
 - iii. The FI must be deposited in the bank within 30 days from the valid period stated on the FI.

REMEMBER:

- The Vendor cashier must accept FIs only during the month and year stated in the box labeled "VENDOR MUST ACCEPT ONLY DURING" as pre-printed on the FI.
- The Vendor cashier must accept FIs only from individuals whose signatures appear on the WIC Folder.
- WIC participants are NOT required to show any form of identification other than the WIC Folder.
- The Vendor must extend the same courtesies to WIC participants as to all other customers.
- The Vendor must never charge sales tax on WIC transactions.
- No cash, change, rain checks, or store credit permitted:
 - WIC participants cannot receive cash back as a result of discounts or coupons used in a WIC transaction.
 - WIC participants cannot receive money or store credit in exchange for WIC FIs.
 - WIC participants should NEVER get money or change back or store credit for purchases using FIs.
- Strict limitation on refunds/exchanges for WIC items:
 - WIC participants cannot receive refunds for and cannot exchange WIC-approved foods obtained with FIs, except for exchanges of an identical food item when the original WIC-approved food item is defective, spoiled, or has exceeded its "Sell by," "Best if Used by," or other date limiting the sale or use of the food item.
- The Vendor must never seek restitution from WIC participants, parents, caregivers, or proxies, for FIs not paid or only partially paid by the State Agency.
- WIC participants must receive all WIC-approved foods listed on the FI.

WIC CVV Transaction Procedures

During the WIC transaction, the Vendor must offer the participant or proxy the same courtesies available to other customers. Courtesies may include, but are not limited to, bagging of grocery items, the use of manufacturer's coupons, and participation in store promotions, including buy one get one free offers. The following procedures must be followed to successfully transact a WIC CVV:

1. The Vendor cashier must check the valid period preprinted on the CVV.
2. The Vendor cashier must accept CVVs only during the month and year shown on the CVV. CVVs accepted outside of the month and year shown on the CVV will not be paid or reimbursed.
3. The Vendor cashier must separate CVV food items from other WIC-approved food items or non-WIC food items. If the participant is transacting more than one CVV at a time, each CVV transaction must be handled separately.
4. The Vendor cashier must allow only the purchase of approved fresh fruits and vegetables. Fruits and vegetables may be whole or precut (precut can be in packages or containers) up to the maximum dollar value printed on the CVV. Additionally:
 - i. The Vendor cashier should refer to the WIC Program Food List to ensure that WIC-approved fresh fruits and vegetables are purchased.
 - ii. The following items are not allowed for purchase with the WIC CVV:
 - Bagged greens (e.g., lettuce, spinach, etc.) with other ingredients such as croutons or dressing.
 - Party trays or fruit baskets.
 - Decorative and ornamental fruits and vegetables (e.g., garlic on a string, gourds, etc.).
 - Salad bar items.
 - Dried fruit and nut mixtures.
 - Peanuts or other nuts.
 - Herbs and spices.
 - iii. No IOUs, rain checks, or delayed purchases are ever allowed.
5. The Vendor cashier must ring up all fresh fruits and vegetables selected for purchase individually. The Vendor must charge no more than current shelf prices or sale prices, whichever is lower.
6. The Vendor cashier must deduct applicable coupons, in accordance with the requirements of the Handling of In-Store Promotions for WIC Participants section of this guide.
7. The Vendor cashier must not add sales tax to the purchase price of the transaction. WIC purchases are not taxable.
8. The Vendor cashier must write on the CVV, as instructed in the "Sample WIC Cash-Value Voucher (CVV)" section of this vendor guide, in ink, the actual dollar amount of the sale or the max value of the CVV whichever is lower. If the actual sale price is less than the max value of the CVV, no cash change shall be given to the participant. Additionally:
 - i. No additional items may be included in the actual dollar amount of the sale written on the CVV.
 - ii. If the total price of the WIC-approved fresh fruits and vegetables selected by the participant is more than the max value printed on the CVV, the participant may choose to pay the difference with cash, another CVV, or another form of payment accepted by the Vendor. If the overage is paid for with another CVV or a SNAP EBT card, the overage is not subject to tax. If the overage is paid for by other forms (e.g., cash, credit card, debit card, check, etc.), then the overage may be subject to tax.

- iii. An amount that is more than the CVV max amount should never be entered in the designated area on the CVV. The Program's contracted banking system will not pay the CVV if the amount written is more than the max value preprinted on the CVV. Incorrect amounts encoded using Magnetic Ink Character Recognition (MICR) printers shall not be paid by the Program's contracted banking system.
 - iv. If the dollar amount written is in error, draw a line through it and write the correct dollar amount of the sale above the incorrect one.
 - v. If the CVV is altered upward and subsequently rejected by the State Agency's contracted banking system, it must go through the reimbursement process in order to be paid (see the "WIC FI/CVV Reimbursement" section).
 - vi. The Vendor shall be held accountable for actions of employees in the transaction and processing of WIC CVVs and provision of WIC-approved foods.
 - vii. WIC participants may not be denied food items listed on their WIC CVVs due to the error of any Vendor staff member.
9. The WIC participant, parents or caretakers of an infant or child or their proxy must present the WIC Folder and then sign the CVV on the "Food Received By" line; this is the "countersignature."
10. The Vendor cashier must verify that the countersignature matches one of the signatures on the WIC Folder. If the signatures do not match, write "VOID" on the CVV and instruct the participant to return to the clinic of CVV issuance.
11. The vendor cashier must provide the participant with a cash register receipt showing date of purchase, items purchased, price of items purchased and the total sale amount.
12. The Vendor must stamp the vendor number, using black ink, in the space provided on the front of all CVVs before depositing them. If the stamp has become unreadable, the Vendor should:
 - i. Request a new vendor stamp from the State Agency.
 - ii. Legibly write, in indelible ink, the vendor number in the appropriate space on the CVV.
13. The Vendor must endorse each CVV before depositing into the bank.
 - i. Endorsements should include store name and store number (if applicable).
 - ii. The CVV is only negotiable at the vendor's bank.
 - iii. The CVV must be deposited in the bank within 30 days from the valid period stated on the CVV.

REMEMBER:

- The Vendor cashier must accept CVVs ONLY during the month and year stated in the box labeled "VENDOR MUST ACCEPT ONLY DURING" as pre-printed on the CVV.
- The Vendor cashier must accept CVVs only from individuals whose signatures appear on the WIC Folder.
- WIC participants are NOT required to show any form of identification other than the WIC Folder.
- The Vendor must extend the same courtesies to WIC participants as to all other customers.
- The Vendor must never charge sales tax on WIC transactions.
- No cash, change, rain checks, or store credit permitted:
 - WIC participants cannot receive cash back as a result of discounts or coupons used in a WIC transaction.
 - WIC participants cannot receive money or store credit in exchange for WIC CVVs.
 - WIC participants should NEVER get money or change back or store credit for purchases using CVVs.

- Strict limitation on refunds/exchanges for WIC items:
 - WIC participants cannot receive refunds for and cannot exchange WIC-approved foods obtained with CVVs, except for exchanges of an identical food item when the original WIC-approved food item is defective, spoiled, or has exceeded its “Sell by,” “Best if Used by,” or other date limiting the sale or use of the food item.
- The Vendor must never seek restitution from WIC participants, parents, caregivers, or proxies, for CVVs not paid or only partially paid by the State Agency.

Handling of In-Store Promotions for WIC Participants

Vendors often offer in-store promotions. For the purpose of this section, in-store promotions include vendor and manufacturer discounts, and vendor incentive items.

Vendors are required to offer WIC Program participants, parents or caretakers of infant and child participants, and proxies, the same courtesies that are offered to other (non-WIC) customers. Vendors may not treat WIC customers differently from non-WIC customers by excluding them from in-store promotions—this includes disallowing the use of coupons or other vendor discounts in WIC transactions that are allowed in non-WIC transactions. Similarly, Vendors may not treat WIC customers differently by offering them incentive items, vendor discounts, coupons or other promotions that are not offered to non-WIC customers.

1. Regular (non-A50) Vendors must adhere to the following:

Discounts by Type

Vendor and manufacturer discounts generally provide either a greater quantity (quantity discount) of, or a lower price (price discount) for, a food item. The most common types of discounts and applicable policies are described below:

- a. **Buy One, Get One Free (BOGO)** - In this promotion, the Vendor sells one WIC food item and provides a second identical food item or a different item at no additional cost. If the free item in a buy one, get one free promotion is a WIC food item, it should not be deducted from the participant's WIC benefits. For example, a vendor offers a free box of cereal with each box of cereal that is purchased. In this case, if the WIC participant has an FI authorizing 36 ounces of cereal, the WIC participant may choose two 18 ounce boxes of WIC-approved cereal, which would be charged to the FI, and receive two additional 18 ounce boxes of cereal for free.
- b. **Buy One, Get One at a Reduced Price** - In this promotion, the Vendor sells one WIC food item at full price and sells either a second identical WIC food item or a different food item at a reduced price. This discount type only applies when the second, reduced price item is a WIC food item and the participant has two of the item on his or her FI. In this case, the participant should receive the second item at the discounted price and the total written on the FI by the cashier should reflect this discount.
- c. **Free Ounces Added to Food Item by Manufacturer (Bonus Size Items)** - In this promotion, a food manufacturer adds extra ounces to a product at no extra cost to the consumer. For example, instead of offering 16 ounces of cereal in a box, a manufacturer may temporarily offer a bonus size 18 ounce box of cereal at the same price. When a bonus size food item is purchased by a WIC participant, the Vendor should redeem the WIC FI as if the original size (16 ounce) item were purchased.
- d. **Transaction Discounts** - In this type of promotion, the Vendor applies a fixed amount discount or a discount percentage to the total dollar amount of the purchase. For example, the offer may be for \$10 off or 10% off when \$50 or more in groceries are purchased. This type of discount must be applied to WIC transactions when applicable.

- e. **Store Loyalty/Rewards Cards** - Vendors may provide a card or token that provides additional vendor discounts for frequent or regular customers. WIC participants and proxies are not required to use loyalty/rewards cards, nor are Vendors required to scan a “dummy” card for WIC participants who do not have their own cards. Store loyalty/rewards cards may provide a variety discounts. These vendor discounts should be processed by Vendors as outlined above, according to type.
- f. **Manufacturers’ Cents Off Coupons** - Manufacturers’ cents off coupons allow customers to purchase certain items at a lower price. For example, a coupon may offer a discount of 50 cents off a box of cereal. The value of coupons presented by WIC participants and proxies must be applied to the WIC transaction. If sales tax must be collected on a manufacturer’s coupon in a WIC transaction, the following procedure must be used in order to prevent the Program or participant from being taxed:
 - i. Subtract the sales tax on the coupon from the face value of the coupon
 - ii. Subtract the remainder of the coupon value from the retail price of the WIC-approved food.

2. Above-50-Percent (A50) Vendors must adhere to the following:

Vendor Incentive Items (Prohibited for A50 Vendors)

Vendors deriving or expecting to derive more than 50% of their annual food sales revenue from WIC FI transactions must agree to neither provide nor advertise nor indicate an intent to provide customers with any incentive items, as determined by the State Agency, including the following prohibited incentive items:

- a. Services which result in a conflict of interest or the appearance of such conflict for the Above-50-Percent Vendor, such as assistance with applying for WIC benefits.
- b. Lottery tickets at no charge or below face value.
- c. Cash gifts in any amount for any reason.
- d. Anything made available in a public area as a complimentary gift which may be consumed or taken without charge.
- e. Food, merchandise or services of any value provided to the customer.
- f. Food, merchandise sold to customers below cost, or services purchased by customers below fair market value.
- g. Any kind of incentive item which incurs a liability for the WIC Program.
- h. Any kind of incentive item which violates any Federal, State, or local law or regulations.

Discounts by Type

Above-50-percent vendors may only provide manufacturer discounts to customers, as these are not considered vendor incentive items. Applicable policies for manufacturer discounts are described below:

- a. **Free Ounces Added to Food Item by Manufacturer (Bonus Size Items)** - In this promotion, a food manufacturer adds extra ounces to a product at no extra cost to the consumer. For example, instead of offering 16 ounces of cereal in a box, a manufacturer may temporarily offer a bonus size 18 ounce box of cereal at the same price. When a bonus size food item is purchased by a WIC participant, the Vendor should redeem the WIC FI as if the original size (16 ounce) item were purchased.

- b. **Manufacturers' Cents off Coupons** - Manufacturers' cents off coupons allow customers to purchase certain items at a lower price. For example, a coupon may offer a discount of 50 cents off a box of cereal. The value of coupons presented by WIC participants and proxies must be applied to the WIC transaction. If sales tax must be collected on a manufacturer's coupon in a WIC transaction, the following procedure must be used in order to prevent the Program or participant from being taxed:
 - i. Subtract the sales tax on the coupon from the face value of the coupon.
 - ii. Subtract the remainder of the coupon value from the retail price of the WIC-approved food.

3. Cash Back

Cash back is not permitted as a result of any type of in-store promotion in any WIC transaction at any type of vendor. All discounts must be applied to the transaction.

Sample WIC Food Instrument (FI)

STATE OF LOUISIANA DHH, OPH, WIC PROGRAM			
① 456789	② 987654321	③ Food I. Sample	④ 999
FAMILY ID	PHAME ID	PARTICIPANT'S NAME	TYPE SEQ # SITE #
⑤ QUANTITY	⑥ FOOD PRESCRIPTION (Valid for payment for specific food in quantities below)	1294567890 VENDOR FILL IN ACTUAL \$ AMOUNT OF SALE BELOW ⑧ \$ TAX EXEMPT SALE	VALID ONLY AT VENDORS WITH WIC CONTRACT VENDOR MUST ACCEPT ONLY DURING ⑦ AUG 2015 *08* Vendor must clearly record authorization Number below and deposit within 30 days last valid date or draft will not be honored Pay to order of WIC Vendor No. ⑨ VENDOR'S NUMBER
1 1 1 1 1 2 1 1 1	Lb Dry Beans, Peas or Lentils No More Than 36-oz WIC Cereal 16-oz WIC Approved Cheese Doz Eggs 64-oz Btl WIC Juice Gal 1% or Skim Milk Qt 1% or skim milk lb WIC Whole Grains	Issued To: Signature	Food Received By: (MUST MATCH WIC FOLDER SIGNATURE)
PAYABLE THROUGH FSMC OR AFFILIATE OF SECURITY STATE BANK HOWARD LAKE, MN 55349			
"NON-NEGOTIABLE"			

1. **FAMILY ID** number is a unique number assigned to each WIC family. Each participant within a family will have a unique PHAME ID number.
2. **PHAME ID** number is the unique number assigned to each participant within a WIC family. Every family member will have his/her own ID number.
3. **PARTICIPANT'S NAME** is the WIC participant's name.
4. **SITE #** identifies the WIC clinic where the FI was issued.
5. **QUANTITY** identifies the quantity of specified WIC-approved foods for which the FI may be transacted.
6. **FOOD DESCRIPTION** column identifies the specific WIC-approved food items that can be purchased with the FI.
7. **VENDOR MUST ACCEPT ONLY DURING** box indicates the month during which the FI may be transacted at the Vendor. The name of the month or a standard abbreviation is displayed, followed by the year, followed by the numerical month within asterisks. The Vendor has 30 days from the end of this month to deposit the WIC FI.
8. **VENDOR FILL IN ACTUAL \$ AMOUNT OF SALE BELOW** box is the area in which the cashier enters the exact amount of the transaction in ink before the participant/proxy signs. Dollar amount belongs to the left of the delineation and the cents amount to the right of the delineation.
9. **Pay to the order of WIC Vendor No.** box is the area in which the Vendor stamps his vendor number using his vendor stamp.

10. **Issued To** line is the area where the WIC participant or proxy signs indicating receipt of the WIC FI from their WIC clinic.

Exception: In some cases, FIs are mailed to WIC participants. In these cases, there will be no signature on the "Issued To" line of the FI. In the space following "Issued To," it will state, "Mailed on ___/___/___ By _____. Vendors must accept these FIs, and must follow all other transaction procedures.

11. **Food Received By** line is the area where the WIC participant or his/her proxy signs after the cashier has entered the amount of the sale indicating they have received the WIC-approved foods on the WIC FI and verifying the amount of the transaction; this is the "countersignature."

Sample WIC Cash-Value Voucher (CVV)

STATE OF LOUISIANA DHH, OPH, WIC PROGRAM			
① 456789	② 987654321	③ FRUIT A. VEGETABLES	A 1 ④ 999
FAMILY ID	PHAME ID	PARTICIPANT'S NAME	TYPE SEQ # SITE #
⑤	⑥		⑦
FOOD PRESCRIPTION (Valid for payment for specific food in quantities below)		129456789	VALID ONLY AT VENDORS WITH WIC CONTRACT VENDOR MUST ACCEPT ONLY DURING
Max Value \$6 ***** Fresh Fruits and/or Veg. Only May Pay Difference over Value No Change Given		VENDOR FILL IN ACTUAL \$ AMOUNT OF SALE BELOW	⑦ AUG 2015 *08* Vendor must clearly record authorization Number below and deposit within 30 days last valid date or draft will not be honored Pay to order of WIC Vendor No.
		⑧ \$	⑨
		TAX EXEMPT SALE	VENDOR'S NUMBER
		⑩ Issued To:	Signature
		⑪ Food Received By:	
PAYABLE THROUGH FSMC OR AFFILIATE OF SECURITY STATE BANK HOWARD LAKE, MN 55349		(MUST MATCH WIC FOLDER SIGNATURE)	
"NON-NEGOTIABLE"			

1. **FAMILY ID** number is a unique number assigned to each WIC family. Each participant within a family will have a unique PHAME ID number.
2. **PHAME ID** number is the unique number assigned to each participant within a WIC family. Every family member will have his/her own ID number.
3. **PARTICIPANT'S NAME** is the WIC participant's name.
4. **SITE#** identifies the WIC clinic where the CVV was issued.
5. **QUANTITY** column is not used on CVVs.
6. **FOOD DESCRIPTION** column identifies the max value of the CVV and identifies the CVV must be transacted for fresh fruits and/or vegetables only. This section further explains the participant may pay for product purchased above the CVV face value and that if the purchase is less than the face value no change can be given to the participant.
7. **VENDOR MUST ACCEPT ONLY DURING** box indicates the month during which the CVV may be transacted at the Vendor. The name of the month or a standard abbreviation is displayed, followed by the year, followed by the numerical month within asterisks. The Vendor has 30 days from the end of this month to deposit the WIC CVV.
8. **VENDOR FILL IN ACTUAL \$ AMOUNT OF SALE BELOW** box is the area in which the cashier enters the exact amount of the transaction in ink before the participant/proxy signs. The actual amount of the transaction, which must not exceed the max value limit, must be entered here. If the transaction is less than the CVV max value limit, the actual sale amount must be entered.
9. **Pay to order of WIC Vendor No.** box is the area in which the Vendor stamps his vendor number using his vendor stamp.

10. **Issued To** line is the area where the WIC participant or proxy signs indicating receipt of the WIC CVV from their WIC clinic.

Exception: In some cases, CVVs are mailed to WIC participants. In these cases, there will be no signature on the "Issued To" line of the CVV. In the space following "Issued To," it will state, "Mailed on ___/___/___ By _____. Vendors must accept these CVVs, and must follow all other transaction procedures.

11. **Food Received By** line is the area where the WIC participant or his/her proxy signs after the cashier has entered the amount of the sale indicating they have received the WIC-approved foods on the WIC CVV and verify the amount of the transaction; this is the "countersignature."

WIC FI/CVV Reimbursement

All WIC FIs/CVVs must be transacted and deposited by the same store. Only stores that are authorized by the WIC Program may transact or deposit WIC FIs/CVVs.

A Vendor is reimbursed for the WIC FIs and CVVs it transacts by depositing them in the vendor's bank account. WIC FIs and CVVs are to be deposited as soon as practicable, but not later than 30 days from the end of the valid period stated on the FI or CVV. Deposits after this date may not be honored. The State Agency's contracted banking system requires that Vendors legibly stamp, in black ink, the vendor's unique number in the designated space on each FI/CVV prior to depositing.

Payments will be made through the banking system via ACH through Louisiana WIC's contracted bank to credit vendors' bank accounts. The amount submitted by a Vendor may be adjusted by Louisiana WIC's bank so as not to exceed the peer group appropriate MARL. The State Agency determines a MARL for every WIC FI. ACH is used to adjust FIs that have been deposited for an amount above the MARL. ACH may also be used for collecting any unpaid claims or fines by offsetting the claim against current and subsequent amounts to be paid to the vendor.

Requests for Reimbursement

If a Vendor has an FI or CVV that has been rejected or had the payment amount adjusted by the Louisiana WIC contracted bank, and the Vendor feels that the rejection or adjustment was made in error, the Vendor should follow the following steps:

1. Complete a WIC Food Instrument/CVV Reimbursement Form (WIC-20) found at: <http://ldh.louisiana.gov/index.cfm/page/990>.
2. Staple original FIs/CVVs to a blank 8½ X 11 sheet of paper (maximum of three FIs/CVVs per page; do not overlap FIs/CVVs).
3. Make copies of the WIC-20 and its corresponding WIC FI/CVVs (originals/Image Replacement Documents (IRDs) only).
4. Mail the original completed WIC-20 along with its corresponding FIs/CVVs to the State Agency at the address found on the WIC-20.

Upon receipt of a reimbursement request, the State Agency will record the date received, review for accuracy and completeness, process the request, and determine approval or disapproval. The State Agency may consider the following criteria in making its determination:

1. Prior record of same repeated errors.
2. Vendor's reported food costs versus amount requested for reimbursement.
3. Level of documented inventory on hand.

The Vendor will be notified of adverse decisions.

Submitting incorrect or incomplete WIC-20s will delay the reimbursement process or result in denial of the reimbursement request. Requests over \$500 per individual Vendor must be submitted by the State Agency to USDA for approval, which may delay payment of the reimbursement. Owners of multiple vendor locations are encouraged to send separate requests for each vendor number.

The Vendor must make his or her request for reimbursement for bank rejected FI/CVV no more than 60 days from the end of the valid period stated on the FI/CVV. Any FI/CVV submitted thereafter will not be considered for reimbursement.

FIs/CVVs accepted outside of the valid period will not be reimbursed.

Vendors may not seek restitution from WIC participants for FIs/CVVs that are not paid, or are only partially paid, by the State Agency.

Louisiana WIC Vendor Portal (VP)

The VP is a website that was designed for Louisiana WIC and has been in use since 2010. As a Vendor, you are required to be able to access and make regular use of the VP. This requires access to a computer and the internet, as well as regular use of an email account. The VP serves as the primary point of contact for all Vendors in Louisiana.

The VP must be used by Vendors to:

- Input required price reports quarterly and upon request from the State Agency.
- Receive official communications from the Louisiana WIC Program.
- Take part in web-based WIC Vendor training.

The site is secured by individually assigned user IDs and the use of strong passwords. The security process ensures that each individual store owner will only be able to access, view, and input information pertaining to their store(s). Vendor information is subject to the federal regulatory confidentiality provisions at 7 CFR 246.26. Once a store is granted WIC vendor authorization, the State Agency provides VP access instructions. Only those stores that are authorized as currently active Vendors are permitted to access the VP. Quarterly price reports are due by the 20th of each month following the end of a calendar quarter (i.e., January 20th, April 20th, July 20th, and October 20th). Failure to submit required information and price reports accurately and timely in the VP, in accordance with the Louisiana WIC Program's instructions, may result in termination of the WIC Vendor Agreement.

More information regarding the VP can be found at the following websites (you must log in to access information at these sites):

- Vendor Portal: <https://vendorportal.opb.dhh.la.gov/Secure/home.aspx>
Click "Help and Contact" tab for help.
- Vendor Portal User Guide:
https://vendorportal.opb.dhh.la.gov/Secure/Documentation/Vendor_User_Guide.pdf

Sanction Schedule

Vendors must always adhere to all Program policies and requirements. Sanctions may be imposed for instances of non-compliance. Some of these sanctions are mandated in federal regulations governing the WIC Program while others are in the Louisiana Administrative Code.

Certain sanctions from the WIC Program may result in a disqualification from the Supplemental Nutrition Assistance Program (SNAP). Such disqualification is not subject to administrative or judicial review under SNAP.

The Sanction Schedule applicable to Vendors in the Louisiana WIC Program follows:

1. Federal Mandatory Vendor Sanctions

- a. The State Agency must permanently disqualify a Vendor convicted of trafficking in Food Instruments (FIs) or Cash-Value Vouchers (CVVs) or selling firearms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in exchange for FIs or CVVs.
- b. The State Agency must disqualify a Vendor for six (6) years for:
 - i. One incidence of buying or selling a WIC FI or CVV for cash (trafficking).
 - ii. One incidence of selling firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802, in exchange for a WIC FI or CVV.
- c. The State Agency must disqualify a Vendor for three (3) years for:
 - i. One incidence of the sale of alcohol, alcoholic beverages, or tobacco products in exchange for a WIC FI or CVV.
 - ii. A pattern of claiming reimbursement for the sale of an amount of a specific supplemental food item that exceeds the store's documented inventory of that supplemental food item for a specific period of time.
 - iii. A pattern of vendor overcharges.
 - iv. A pattern of receiving, transacting and/or redeeming FIs or CVVs outside of authorized channels, including the use of an unauthorized vendor and/or an unauthorized person;
 - v. A pattern of charging for supplemental foods not received by the participant.
 - vi. A pattern of providing credit or non-food items—other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802—in exchange for FIs or CVVs.
- d. The State Agency must disqualify a Vendor for one (1) year for:
 - i. A pattern of providing unauthorized food items in exchange for FIs or CVVs, including charging for supplemental foods provided in excess of those listed on the FI.
 - ii. A pattern of an above-50-percent Vendor providing prohibited incentive items to participants as set forth in Federal Regulations, 7 CFR § 246.12(g)(3)(iv) and Louisiana Administrative Code Title 48:V.4503.B.21.

- 2. Second Mandatory Sanction:** When a Vendor that has previously been assessed a sanction for any of the Federal Mandatory Vendor Sanctions, receives another sanction for any of the Federal Mandatory Vendor Sanctions, the State Agency must double the second sanction. Civil money penalties (CMPs) may only be doubled up to the limits allowed under federal regulations.

3. **Third or Subsequent Mandatory Sanction:** When a Vendor that previously has been assessed two or more sanctions for any of the Federal Mandatory Vendor Sanctions, receives another sanction for any of the Federal Mandatory Vendor Sanctions, the State Agency must double the third sanction and all subsequent sanctions. The State Agency may not impose a Civil Monetary Penalty (CMP) in lieu of disqualification for third or subsequent sanctions for Federal Mandatory Vendor Sanctions.
4. **State Agency Vendor Sanctions:** The State Agency identifies violations a. through g. and i., below, as actions subject to a Corrective Action Plan for an initial violation. Corrective Action Plans must be implemented by Vendors when required by the State Agency and can include, but are not limited to, store employee training, stock rotation training, and/or training on WIC FI/CSV processing procedures. If the Vendor fails to implement a Corrective Action Plan for failure to adhere to selection criteria, the State Agency shall terminate the Vendor Agreement. The State agency may disqualify a Vendor from participation in WIC for one year for a pattern of any of the following State Agency violations :
 - a. Providing cash for returned WIC-approved foods purchased with WIC FIs/CSVs.
 - b. Failing to comply with FI and CSV processing and redemption procedures, as described in the Vendor Agreement (also outlined in this WIC Vendor Guide).
 - c. Stocking or selling WIC-approved foods that are expired or otherwise not fresh, as determined by the State Agency.
 - d. Failing to participate in and complete training, as scheduled and required by the State Agency.
 - e. Failing to maintain or provide the State Agency with required information by the due date identified by the State Agency.
 - f. Failing to notify the State Agency of instances in which a participant or proxy has failed to comply with WIC Program requirements.
 - g. Failing to provide to WIC participants or proxies the same courtesies as offered to other customers.
 - h. Failing to implement a corrective action plan imposed by the State Agency.
 - i. Failing to adhere to any other requirements of the Vendor Agreement or Vendor Guide (except for the items listed in 5. "Vendor Agreement Termination", below, and those for which a longer disqualification period is required identified in 1. a. - c., above).
5. **Vendor Agreement Termination:** The WIC State Agency shall terminate the Vendor Agreement with a Vendor for failure to meet the following selection criteria after WIC authorization:
 - a. Be currently authorized and participating in the USDA Supplemental Nutrition Assistance Program (SNAP) and cannot have received a SNAP Civil Money Penalty (CMP) for which the disqualification period, if it had been imposed, would not yet have expired.
 - b. Have a Grocery Class Permit to Operate issued for the current state fiscal year (the Louisiana state fiscal year runs from July 1 – June 30).
 - c. Maintain the establishment in a clean, orderly and safe condition and comply with applicable health protection laws and ordinances as defined by Louisiana Department of Health's Office of Public Health, and available at: <http://ldh.louisiana.gov/index.cfm/page/448>.
 - d. Be open a minimum of six days and at least 48 hours per week.
 - e. Have prices that are competitive with other Vendors in the Vendor's State Agency-designated peer group, as determined by the State Agency's CPC.
 - f. Display prices for WIC-approved foods on the foods or on the shelves/display area in immediate proximity to the foods.
 - g. Stock and maintain sufficient quantities and varieties of all WIC-approved foods in accordance with Louisiana WIC's Minimum Stock Requirements.

- h. Purchase infant formula only from vendors included on Louisiana WIC's list of infant formula manufacturers registered with the Food and Drug Administration (FDA) that provide infant formula, and licensed infant formula wholesalers, distributors, and retailers.
 - i. Owners and management personnel must not have been formerly employed by vendors disqualified from any USDA food program within the prior six years.
 - j. Owners and management personnel must not have been convicted of any felony within the prior six years.
 - k. Owners and management personnel must not have been convicted of any Federal, State, or local tax violations within the prior six years.
 - l. Owners and management personnel must not have had a civil judgment entered against them within the prior six years for any activity indicating a lack of business integrity (including but not limited to fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, and obstruction of justice).
 - m. Be in good standing with no unpaid or overdue balances owed to the Louisiana WIC Program.
 - n. Provide truthful and accurate information to the WIC Program.
 - o. Have access to a computer, with internet access, have an e-mail account that can be used to send messages to and receive messages from the Louisiana WIC Program, and be able to download and upload electronic documents sent/received via email or posted/requested on the Vendor Portal or any other online application used by the WIC Program.
 - p. Utilize a cash register system that performs split tender transactions and produces itemized receipts showing date of purchase, items purchased, price of items purchased and the total sale amount, at a minimum.
 - q. After six months of Program authorization, the Vendor must redeem at least fifty (50) WIC FIs per month.
 - r. Vendor deriving or expecting to derive more than 50% of their annual food sales revenue from WIC FI transactions must agree to neither provide nor advertise nor indicate an intent to provide customers with any incentive items, including the following prohibited incentive items:
 - i. Services which result in a conflict of interest or the appearance of such conflict for the Above-50-Percent Vendor, such as assistance with applying for WIC benefits.
 - ii. Lottery tickets at no charge or below face value.
 - iii. Cash gifts in any amount for any reason.
 - iv. Anything made available in a public area as a complimentary gift which may be consumed or taken without charge.
 - v. Food, merchandise or services of any value provided to the customer.
 - vi. Food, merchandise sold to customers below cost, or services purchased by customers below fair market value.
 - vii. Any kind of incentive item which incurs a liability for the WIC Program.
 - viii. Any kind of incentive item which violates any -Federal, State, or local law or regulations.
 - s. Vendor must not derive or expect to derive more than 50% of annual food sales revenue from WIC FI transactions.
 - t. Vendor must be a full-line grocery store, as defined by the State Agency.
6. **Civil Money Penalty:** Except where prohibited by federal regulation or in cases of Federal Mandatory Vendor Sanction 1.a., above, if the State Agency determines in its sole discretion that disqualification of the Vendor would result in inadequate participant access, the State Agency shall impose a civil money penalty (CMP) in lieu of disqualification. Such CMP will be calculated in accordance with federal regulations. If a Vendor does not pay, only partially pays, or fails to make timely payment in lieu of disqualification, the State Agency shall disqualify the Vendor for the length of the disqualification corresponding to the violation for which the CMP was assessed.

7. **Recoupment of Excess Payment:** The State Agency will recoup excess payments made to the Vendor resulting from the Vendor's violation of the Vendor Agreement.
8. **SNAP Disqualification:** The State Agency will disqualify from the WIC Program a Vendor who is disqualified from SNAP. The disqualification shall be for the same length of time as SNAP disqualification, may begin at a later date than SNAP disqualification, and is not subject to administrative or judicial review under the WIC Program.
9. **SNAP CMP:** The State Agency will disqualify a Vendor who receives a CMP for hardship by SNAP. The length of such disqualification will correspond to the period for which the Vendor would otherwise have been disqualified in SNAP.
10. **Mandatory Sanction by Another WIC State Agency:** The State Agency will disqualify a Vendor that has been disqualified or assessed a CMP in lieu of disqualification by another WIC State Agency for a Federal Mandatory Vendor Sanction. The length of the disqualification will be for the same length of time as the disqualification by the other WIC State Agency or, in the case of a CMP in lieu of disqualification assessed by the other WIC State Agency, for the same length of time for which the Vendor would otherwise have been disqualified. The disqualification may begin at a later date than the sanction imposed by the other WIC State Agency.
11. **Voluntary Withdrawal Not Accepted:** Voluntary withdrawal of a Vendor and non-renewal of the Vendor Agreement as alternatives to WIC disqualifications will not be accepted, and the disqualification will be entered on the record.
12. **Comprehensive Inclusion of Vendor Documents:** Violations of the requirements of the WIC Vendor Guide and WIC Vendor Agreement not covered elsewhere in this sanction schedule may result in termination or disqualification, following provision to the Vendor of reasonable notice and opportunity to correct, where permitted by WIC regulations. Violations may give rise to the State Agency's assessment of vendor claims, fines, and penalties. Termination of the Vendor Agreement does not relieve the Vendor of the obligation to pay such assessments.
13. **State Agency Actions:** The State Agency will determine the action to be taken whenever vendor fraud, abuse, or administrative violations are discovered. If the State Agency determines that the Vendor has violated WIC rules or regulations, the Vendor may be required to develop and submit a Corrective Action Plan, the Vendor Agreement may be terminated, and/or the Vendor may be disqualified from participation in the WIC Program for a period of no more than the maximum period allowed under federal regulations at 7 CFR part 246. To obtain reauthorization, Vendors who are disqualified or whose Vendor Agreement has been terminated must reapply and meet all current requirements for authorization.
14. **Vendor Notification:** The State Agency must notify a Vendor in writing when an investigation reveals an initial incidence of a violation for which a pattern of incidences must be established in order to impose a sanction, before another such incidence is documented, unless the State Agency determines, in its discretion, on a case-by-case basis, that notifying the Vendor would compromise an investigation. Notification will not be provided for a pattern of claiming reimbursement for the sale of an amount of a specific supplemental food item that exceeds documented inventory.

15. **Effect on Other Stores Under Same Ownership:** If an individual, partner, corporation or other business structure is convicted of a criminal offense involving WIC, SNAP, or any other program funded and administered by the Food and Nutrition Service of the U.S. Department of Agriculture, all grocery stores wholly or partially owned or managed by the convicted individual, partnership, corporation, other business structure, or by a partner of a convicted partnership or an officer, director of a convicted corporation, shall be terminated from WIC vendor authorization and shall be ineligible for future WIC vendor authorization for the maximum period allowed by federal law. This termination and period of ineligibility shall occur whether or not the grocery store was the location at which the crime occurred, and regardless of any penalty imposed upon the convicted party by the court of conviction.
16. **Legal Remedies Not Precluded by Sanction:** The State Agency sanctions for vendor violations or Program abuse shall not be construed as excluding or replacing any criminal or civil sanctions or other remedies that may be applicable under any Federal and State statute or local ordinance. A Vendor who commits fraud or abuse of the Program is liable to prosecution under applicable Federal, State or local laws. Those who have willfully misapplied, stolen or fraudulently obtained Program funds will be subject to a fine of not more than \$25,000 or imprisonment for not more than five years or both, if the value of the funds is \$100 or more. If the value is less than \$100, the penalties are a fine of not more than \$1,000 or imprisonment for not more than one year, or both.
17. **Prosecution Referral:** The State Agency will, where appropriate, refer Vendors who abuse the Program to Federal, State and local authorities for prosecution.

Administrative Review of State Agency Adverse Actions

Adverse actions taken by the Louisiana WIC Program that affect Vendors or vendor applicants may be subject to administrative review, if appealed.

The Louisiana WIC Program will provide written notification of the adverse action, the procedures to follow to obtain an administrative review, and the cause(s) for and the effective date of the action. If the Vendor is disqualified as a result of federal mandatory vendor violations in 7 CFR 246.12(l)(1), such notification will include the following statement: "This disqualification from WIC may result in disqualification as a retailer in SNAP. Such disqualification is not subject to administrative or judicial review under SNAP." If the Vendor or applicant vendor wishes to appeal the decision, the Vendor or applicant vendor must submit a request for appeal stating the reason for the appeal. The request must be submitted in writing and mailed to the Louisiana WIC Program within 15 days after the receipt of the written notification of the adverse action. The appropriate mailing address and contact name for a request for appeal will be included in the notice of adverse action.

The adverse action will be imposed on the effective date noted in the notification and will remain in place during the administrative review unless the Louisiana WIC Program determines, at its sole discretion, that the adverse action would result in inadequate participant access to supplemental foods.

Adverse actions subject to administrative review include the following:

1. Denial of authorization based on the application of the vendor selection criteria for minimum variety and quantity of approved supplemental foods.
2. Denial of authorization based on a determination that the Vendor is attempting to circumvent a sanction.
3. Termination of an agreement for cause.
4. Disqualification, except as a result of a disqualification from SNAP.
5. Imposition of a fine or a civil money penalty in lieu of disqualification.
6. Denial of authorization based on the vendor selection criteria for business integrity.
7. Denial of authorization based on the selection criteria for a current SNAP disqualification or civil money penalty for hardship.
8. Denial of authorization based on the application of the vendor selection criteria for competitive price.
9. The application of the State Agency's vendor peer group criteria and the criteria used to identify Vendors that are above-50-percent Vendors or comparable to above-50-percent Vendors.
10. Denial of authorization based on a State Agency-established vendor selection criterion if the basis of the denial is a WIC vendor sanction or a SNAP withdrawal of authorization or disqualification.
11. Denial of authorization based on the State Agency's limiting criteria, if any.
12. Denial of authorization because a vendor submitted its application outside the timeframes during which applications are being accepted and processed, as established by the State Agency.
13. Termination of an agreement because of a change in ownership or location or cessation of operations.
14. A civil money penalty imposed in lieu of disqualification based on a SNAP disqualification.
15. Denial of an application based on a determination of whether an applicant vendor is currently authorized by SNAP.

A Vendor or vendor applicant who files a proper appeal request for those actions subject to administrative review will be provided:

1. Adequate advance notice of the time and place of the administrative review to provide all parties involved sufficient time to prepare for the review and at least one opportunity to reschedule the administrative review date upon specific request.
2. The opportunity to examine, prior to the review, the evidence upon which the Louisiana WIC Program's action is based.
3. The opportunity to be represented by counsel.
4. The opportunity to cross-examine adverse witnesses (when necessary to protect the identity of witnesses, they may be cross-examined behind a protective screen or other device).
5. The opportunity to present its case.
6. An impartial decision-maker, whose determination is based solely on whether the Louisiana WIC Program has correctly applied Federal and State statutes, regulations, policies, and procedures governing the Program, according to the evidence presented at the review.
7. Written notification of the review decision, including the basis for the decision, within 90 days from the date of receipt of a vendor's request for an administrative review. These timeframes are only administrative requirements for the Louisiana WIC Program and do not provide a basis for overturning the adverse action if a decision is not made within the specified timeframe.

Actions not subject to administrative reviews include:

1. The validity or appropriateness of the Louisiana vendor limiting criteria, if any.
2. The validity or appropriateness of Louisiana's vendor selection criteria for minimum variety and quantity of supplemental foods, business integrity, and current SNAP disqualification or civil money penalty for hardship.
3. The validity or appropriateness of the Louisiana selection criteria for competitive price, including, but not limited to, vendor peer group criteria and the criteria used to identify Vendors that are above-50-percent Vendors or comparable to above- 50-percent Vendors.
4. The validity or appropriateness of the State Agency's participant access criteria and the State Agency's participant access determinations.
5. The State Agency's determination to include or exclude an infant formula manufacturer, wholesaler, distributor, or retailer from the list of businesses from which a Vendor may purchase infant formula.
6. The validity or appropriateness of the State Agency's prohibition of incentive items and the State Agency's denial of an above-50-percent Vendor's request to provide an incentive item to customers.
7. The State Agency's determination whether to notify a Vendor in writing when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction.
8. The State Agency's determination whether a Vendor had an effective policy and program in effect to prevent trafficking and that the ownership of the Vendor was not aware of, did not approve of, and was not involved in the conduct of the violation.
9. Denial of authorization if the State Agency's vendor authorization is subject to the procurement procedures applicable to the State Agency.
10. The expiration of a Vendor's agreement.
11. Disputes regarding food instrument or cash-value voucher payments and vendor claims (other than the opportunity to justify or correct a vendor overcharge or other error).
12. Disqualification of a Vendor as a result of disqualification from SNAP.

Appealing an action does not relieve a Vendor that is permitted to continue Program operations while its appeal is in process from the responsibility of continued compliance with the terms of any written agreement with the Louisiana WIC Program. Administrative review decisions are the final action of the Louisiana WIC Program. If the review decision upholds the adverse action against the Vendor, the Vendor may be able to pursue judicial review of the decision.

The Vendor Agreement and Length of Authorization

Vendors must maintain a copy of the Vendor Agreement in authorized stores at all times. The length of authorization is identified in the Vendor Agreement. Throughout the full length of the authorization period, Vendors must continue to meet WIC Vendor Selection Criteria and abide by all Program guidelines in order to remain eligible to be a Vendor.

Contacting the WIC Program

Retail stores are encouraged to contact the WIC Program whenever questions or problems arise. Questions regarding the operation of the Program should be directed to the State Agency's office:

Louisiana Department of Health
Office of Public Health
Nutrition Services
WIC Vendor Management Unit
P.O. Box 60630
New Orleans, LA 70160-0630
(504) 568-8229

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(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Attachments and Links

Attachments:

Sample Vendor Agreement

Latest versions of the following documents are available at:

WIC-20: WIC Food Instrument/CVV Reimbursement Form: <http://ldh.louisiana.gov/index.cfm/page/990>

WIC-33: Procedures for Accepting WIC Food Instruments and Cash-Value Vouchers –Vendor Employee Signature Form:

<http://ldh.louisiana.gov/index.cfm/page/990>

LA WIC-33L Transaction Procedure Signature Log:

<http://ldh.louisiana.gov/index.cfm/page/990>

WIC Program Food List: <http://ldh.louisiana.gov/index.cfm/page/942>